

No. 21,116

In the  
United States Court of Appeals  
*for the Ninth Circuit*

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WALTER SELINGER,

*Appellant,*

VS.

LESTER BIGLER, Special Agent of the Internal Revenue Service, et al,

*Appellee.*

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Petition for Rehearing

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## Petition for Rehearing

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*To the Honorable Gilbert H. Jertberg and Charles M. Merrill, Circuit Judges, and Fred M. Taylor, District Judge, in and for the Ninth Circuit:*

Your petitioner, Walter Selinger, respectfully petitions for a rehearing of his motion to return copies of his records and suppress their use as evidence for the following reasons:

**AUTHORITIES CITED BY PETITIONER  
HAVE BEEN OVERLOOKED**

In affirming the District Court's opinion denying the petitioner's motion, this Court relied upon *Kohatsu v. United States*, 351 F. 2d 898 (9th Cir. 1965). The petitioner argued extensively in his opening and reply briefs that *Kohatsu* should be reconsidered because of *Miranda v. Arizona*, 384 U. S. 436; 86 S. Ct. 1602; 16 L. Ed. 2d 694 (1966). The rationale and philosophy of *Miranda* require that a special agent of the Treasury Department must inform an individual of his right to counsel before any interrogation begins. Since the rule established in *Miranda* is applicable to agents of the Federal Bureau of Investigation, as well as local law enforcement officials, the rule is equally applicable to special agents of the Treasury Department.

Because the petitioner believes that *Miranda* requires that the District Court's opinion be reversed, he respectfully urges that this Court grant his petition for rehearing so that the Court may consider the applicability of *Miranda* to his case.

DAVID R. FRAZER

JOHN C. KING

SHIMMEL, HILL, KLEINDIENST & BISHOP

I certify that in my judgment this petition for rehearing is well-founded, and that it is not interposed for delay.

DAVID R. FRAZER

**APPLICATION FOR STAY IF PETITION  
FOR REHEARING IS DENIED**

In the event of denial of the petition for rehearing, petitioner desires to apply to the Supreme Court of the United States for the issuance of a writ of certiorari and therefore prays for a stay of the sending of the opinion and certified copy of the judgment to the District Court for such purpose.

DAVID R. FRAZER

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